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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/829,793	04/10/2001	Martijn Johannes Lambertus Emons	NL 000215	1893

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EXAMINER

KIM, HONG CHONG

ART UNIT PAPER NUMBER

2186

DATE MAILED: 06/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/829,793

Applicant(s)

EMONS, MARTIJN JOHANNES
LAMBERTUS

Examiner

Hong C. Kim

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Detailed Action

1. Claims 6-8 are presented for examination. This office action is in response to the amendment filed on 4/28/2005.

Claim Objections

2. Claims 6-8 are objected to because of the following informalities: It appears that programmer instruction was not described in the specification at the time the application was filed. Appropriate correction is required.

Claim Rejections - 35 USC § 102/103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 6-8 are rejected under 35 U.S.C. 102(b) as being unpatentable over Fuller US Patent 5,632,038 or, in the alternative, under 35 U.S.C. 103(a) as being unpatentable over Fuller US Patent 5,632,038 in view of Yamahata US Patent No. 5,247,639.

As to claim 6, Fuller discloses a cache interface circuit, comprising: a processor interface (Fig. 1 lines between processor and cache controller and col. 3 lines 10-12, col. 4 lines 11-12, & col. 4 lines 52-53); a main memory interface (Fig.1 lines between system memory and cache controller and col. 3 lines 10-12); a cache memory interface

(Fig. 1 lines between cache memory and cache controller and col. 3 lines 10-12); a cache-bypass mode control signal input (col. 3 lines 25-28) for said processor to indicate a cache bypass mode, in response to a programmer instruction inserted in a program being executed by the processor (col. 4 lines 33-35, a control and power management logic (Fig. 2 Ref. 60) is controlled by the processor (Fig. 2 Ref. 50) and operates according to instructions and data stored in a ROM 65. In other words, the instructions stored in ROM or firmware (col. 4 line 36, since ROM or firmware is programmed by a programmer and it contains instructions to be executed by a processor) are executed by the processor to control the cache memory power) explicitly for the purpose of switching to cache by pass in which cache bypass mode memory access requests are served from said main memory; a power control output for switching off (col. 6 line 10, turn the cache off reads on this limitation) operating power to said cache memory.

Even if in response to a programmer instruction inserted in a program being executed by the processor explicitly for the purpose of switching to cache by pass in which cache bypass mode memory access requests are served from said main memory does not specifically discloses by the Fuller.

Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fuller US Patent 5,632,038 in view of Yamahata US Patent No. 5,247,639.

Fuller discloses a cache interface circuit, comprising: a processor interface (Fig. 1 lines between processor and cache controller and col. 3 lines 10-12, col. 4 lines 11-12, & col. 4 lines 52-53); a main memory interface (Fig. 1 lines between system memory

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and cache controller and col. 3 lines 10-12); a cache memory interface (Fig. 1 lines between cache memory and cache controller and col. 3 lines 10-12); a cache-bypass mode control signal input (col. 3 lines 25-28 and col. 4 lines 23-25 & 33-39); a power control output for switching off (col. 6 line 10, turn the cache off reads on this limitation).

Even if Fuller does not specifically disclose a cache-bypass mode control signal input, in response to a programmer instruction inserted in a program being executed by the processor explicitly for the purpose of switching to cache by pass in which cache bypass mode memory access requests are served from said main memory.

It was common knowledge in memory art to send an instruction to bypass a cache. For example, Yamahata discloses a cache-bypass mode control signal input (col. 2 lines 22-26, command reads on this limitation since command is a part of instruction from a processor), in response to a programmer instruction inserted in a program being executed by the processor explicitly for the purpose of switching to cache by pass in which cache bypass mode memory access requests are served from said main memory (col. 2 lines 22-26 and col. 4 lines 39-40 and 56-58, in other words, a programmer must set bits in instruction in order to bypass a cache) for the purpose of increasing processing speed and saving power.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate a cache-bypass mode control signal input, in response to a programmer instruction inserted in a program being executed by the processor explicitly for the purpose of switching to cache by pass in which cache

bypass mode memory access requests are served from said main memory as shown in Yamahata into the invention of Fuller for the advantages stated above.

As to claim 7, Fuller further discloses a cache bypass mode program instruction interceptor connected to the processor interface and providing for switching between said cache and cache bypass modes without having received an explicit signal to do so at the cache bypass mode control signal input wherein said processor need not take any action to switch between said cache and cache-bypass modes (Fig. 2 Ref. 60, separate control and power management logic reads on this limitation). Yamahata further discloses a cache bypass mode program instruction interceptor connected to the processor interface and providing for switching between said cache and cache bypass modes without having received an explicit signal to do so at the cache bypass mode control signal input wherein said processor need not take any action to switch between said cache and cache-bypass modes (col. 2 lines 22-26 and Fig. 2 Refs. 220 & 212).

As to claim 8, Fuller further discloses a sequence of program instruction disposed in said main memory (system memory, col. 4 line 48-50 and instructions, col. 4 line 25 read on this limitation, since an instruction or a program is loaded into the system memory and executed by a processor sequentially) that require execution by the processor in said cache mode (col. 5 lines 23-35) and that are bracketed by program instructions acted on by the cache-bypass mode program instruction (col. 4 lines 23-35). Yamahata further discloses a sequence of program instruction (Fig. 2 Refs. 220 &

212) disposes in said main memory (col. 2 lines 22-26, instructions read on this limitation, since an instruction or a program is loaded into the main memory and executed by a processor sequentially).

Response to Amendment

4. Applicant's arguments filed on 4/28/2004 have been fully considered but they are not persuasive.

Applicant's argument on pages 3-4 that a programmer does not have control for "a cache-bypass mode control signal input, in response to a programmer instruction inserted in a program being executed by the processor explicitly for the purpose of switching to cache by pass in which cache bypass mode" is not considered persuasive.

Fuller discloses a cache-bypass mode control signal input (col. 3 lines 25-28) for said processor to indicate a cache bypass mode, in response to a programmer instruction inserted in a program being executed by the processor (col. 4 lines 33-35, a control and power management logic (Fig. 2 Ref. 60) is controlled by the processor (Fig. 2 Ref. 50) and operates according to instructions and data stored in a ROM 65. In other words, the instructions stored by a programmer in ROM or firmware (col. 4 line 36, since ROM or firmware is programmed by a programmer and it contains instructions to be executed by a processor) are executed by the processor to control the cache memory power via a control and power management logic) explicitly for the purpose of switching to cache by pass in which cache bypass mode memory access requests are served

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from said main memory; a power control output for switching off (col. 6 line 10, turn the cache off reads on this limitation) operating power to said cache memory. Also.

Yamahata also discloses a cache-bypass mode control signal input, in response to a programmer instruction inserted in a program being executed by the processor explicitly for the purpose of switching to cache by pass in which cache bypass mode memory access requests are served from said main memory (col. 2 lines 22-26, command reads on this limitation since command is a part of instruction from a processor) for the purpose of increasing processing speed and saving power. In other words, a programmer must set bits in instruction (col. 4 lines 39-40 and 56-58) in order to bypass a cache.

Also Kirk USP No.5875464 discloses a cache bypass instruction, col. 10 lines 25-27.

Therefore broadly written claims are disclosed by the references cited.

Conclusion

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See attached PTO-892.

1.

2. **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within,

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

3. When responding to the office action, Applicant is advised to clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. He or she must also show how the amendments avoid such references or objections. See 37 C.F.R. ' 1.111(c).

4. When responding to the office action, Applicants are advised to provide the examiner with the line numbers and page numbers in the application and/or references cited to assist examiner to locate the appropriate paragraphs.

2.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hong Kim whose telephone number is (571) 272-4181. The examiner can normally be reached on M-F 9:00 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matt Kim can be reached on (571) 272-4182. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 whose telephone number is (571) 272-2100.

6. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

7. Any response to this action should be mailed to:

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

or faxed to TC-2100:
(703) 872-9306

Hand-delivered responses should be brought to the Customer Service Window (Randolph Building, 401 Dulany Street, Alexandria, VA 22314).


H Kim
Primary Patent Examiner
June 6, 2005